

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

BRADLEY THOMAS, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	2:06-CV-165-DRB
	)	wo
NCB MANAGEMENT SERVICES, INC.,	)	
JOHN HARDING, an Individual,	)	
	)	
Defendants.	)	

**ORDER ON MOTION**

Pursuant to referral from the District Judge, the undersigned Magistrate Judge has reviewed the *Motion of Plaintiffs Pursuant to F.R.C. P. 36 to Deem Facts as Admitted Against NCB Management Services, Inc.*, (Doc. 26, Aug. 30, 2006) and the Defendant, NCB Management Services, Inc.'s Motion in Opposition to Plaintiffs' Motion to Deem the Facts as Admitted (Doc. 29, Aug. 31, 2006).

I.

Plaintiff's *Motion* is premised on this defendant's failure to respond to a Request for Admissions served on July 3, 2006, within the time limits prescribed by Rule 36, Federal Rules of Civil Procedure. Counsel for Defendant acknowledges the service date but represents that "[t]hrough inadvertence", the requests were not make known to counsel, and upon notice, the admission requests have been answered promptly and sent to Plaintiff. Defense counsel highlights Plaintiff's neglect to correspond at all with the Defendants about the matter prior to filing the pending Motion. Additionally, Defendants make a compelling Rule 36(b) showing for relief from operation of the default provisions of Rule 36.

II.

Accordingly, for this good cause, it is

**ORDERED** that Plaintiffs Motion (Doc. 26) is DENIED and Defendant NCB Management Services, Inc.'s Motion is GRANTED, with the effect that the admissions requested shall not be deemed admitted facts pursuant to Rule 36.

DONE THIS 5<sup>TH</sup> DAY OF September, 2006.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE